

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSE BLAS,

Petitioner,

v.

C.A. No. 04-40211-NG

DAVID L. WINN

Respondent.

PROCEDURAL ORDER

On October 20, 2004, petitioner Jose Blas filed a petition for a writ of habeas corpus but did not submit the \$5 filing fee or an application to proceed without prepayment of fees. For the reasons stated below, he shall either pay the filing fee or seek a waiver of it within 42 days or this action will be dismissed without prejudice.

A party filing a Section 2241 habeas corpus petition must either (1) pay the \$5 filing fee for habeas corpus actions or (2) file an application to proceed without prepayment of fees. See 28 U.S.C. § 1914(a) (filing fees); § 1915 (proceedings in forma pauperis). An application for waiver of the filing fee must be accompanied by a document certifying the amount of funds on deposit to the petitioner's credit at his institution of incarceration. See Rule 1 of the Rules Governing Section 2254 Cases (rules may applied to other habeas petitions at court's discretion); Rule 3(a) (if a petitioner desires to prosecute petition in forma pauperis, he shall file the affidavit required by § 1915 and a certified statement of amount of funds in prisoner's institutional account); 28 U.S.C. § 1915(a)(2). For the convenience of litigants, this Court provides a standardized form for fee waiver applications.

ACCORDINGLY, if Blas wishes to proceed with this action, he shall, within 42 days

of the date of this order, (i) submit the \$5 filing fee or (2) an application to waive prepayment of the filing fee with a certified account statement for the 6-month period immediately preceding the filing of this petition or this action will be dismissed without prejudice for failure to pay the filing fee.

The Clerk shall send Blas an application to proceed without prepayment of fees and affidavit with this order.

SO ORDERED.

Dated at Boston, Massachusetts, this 26th day of October 2004.

s/ Nancy Gertner
NANCY GERTNER
UNITED STATES DISTRICT JUDGE